

JAN 24 2024

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# A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF TRANSPORTATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 26-19, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "**S26-19 Department of transportation.** (a) The department  
4 of transportation shall be headed by a single executive to be  
5 known as the director of transportation. The department shall  
6 establish, maintain, and operate transportation facilities of  
7 the State, including highways, airports, harbors, and [~~such~~] any  
8 other transportation facilities and activities as may be  
9 authorized by law.

10 (b) The department shall plan, develop, promote, and  
11 coordinate various transportation systems management programs  
12 that shall include, but not be limited to, alternate work and  
13 school hours programs, bicycling programs, and ridesharing  
14 programs.

15 (c) The department shall develop and promote ridesharing  
16 programs which shall include but not be limited to, carpool and  
17 vanpool programs, and may assist organizations interested in



1 promoting similar programs, arrange for contracts with private  
2 organizations to manage and operate these programs, and assist  
3 in the formulation of ridesharing arrangements. Ridesharing  
4 programs include informal arrangements in which two or more  
5 persons ride together in a motor vehicle.

6 (d) The functions and authority heretofore exercised by  
7 the department of public works with respect to highways are  
8 transferred to the department of transportation established by  
9 this chapter.

10 (e) On July 1, 1961, the Hawaii aeronautics commission,  
11 the board of harbor commissioners and the highway commission  
12 shall be abolished and their remaining functions, duties, and  
13 powers shall be transferred to the department of transportation.

14 (f) Notwithstanding any law to the contrary, the  
15 department of transportation may acquire, or contract to  
16 acquire, by grant or purchase any real, personal, or mixed  
17 property or any interest therein for immediate or future use for  
18 the purposes of this section or title 15; own, hold, improve,  
19 and rehabilitate any real, personal, or mixed property acquired  
20 pursuant to this subsection; and sell, assign, exchange,  
21 transfer, convey, lease or otherwise dispose of, or encumber any



1 real, personal, or mixed property acquired pursuant to this  
2 subsection. Upon making a finding that it is necessary to  
3 acquire any real property for immediate or future use for the  
4 purposes of this section or title 15, the department of  
5 transportation may acquire the property by condemnation pursuant  
6 to chapter 101, including property already devoted to a public  
7 use; provided that the property shall not thereafter be acquired  
8 for any other public use without the consent of the department  
9 of transportation."

10 SECTION 2. Section 171-2, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 **"§171-2 Definition of public lands.** "Public lands" means  
13 all lands or interest therein in the State classed as government  
14 or crown lands previous to August 15, 1895, or acquired or  
15 reserved by the government upon or subsequent to that date by  
16 purchase, exchange, escheat, or the exercise of the right of  
17 eminent domain, or in any other manner; including lands accreted  
18 after May 20, 2003, and not otherwise awarded, submerged lands,  
19 and lands beneath tidal waters that are suitable for  
20 reclamation, together with reclaimed lands that have been given  
21 the status of public lands under this chapter, except:



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- 1           (1) Lands designated in section 203 of the Hawaiian Homes  
2           Commission Act, 1920, as amended;
- 3           (2) Lands set aside pursuant to law for the use of the  
4           United States;
- 5           (3) Lands being used for roads and streets;
- 6           (4) Lands to which the United States relinquished the  
7           absolute fee and ownership under section 91 of the  
8           Hawaiian Organic Act before the admission of Hawaii as  
9           a state of the United States unless subsequently  
10          placed under the control of the board of land and  
11          natural resources and given the status of public lands  
12          in accordance with the state constitution, the  
13          Hawaiian Homes Commission Act, 1920, as amended, or  
14          other laws;
- 15          (5) Lands to which the University of Hawaii holds title;
- 16          (6) Non-ceded lands set aside by the governor to the  
17          Hawaii housing finance and development corporation or  
18          lands to which the Hawaii housing finance and  
19          development corporation in its corporate capacity  
20          holds title;



- 1           (7) Lands to which the Hawaii community development  
2           authority in its corporate capacity holds title;
- 3           (8) Lands set aside by the governor to the Hawaii public  
4           housing authority or lands to which the Hawaii public  
5           housing authority in its corporate capacity holds  
6           title;
- 7           (9) Lands to which the department of agriculture holds  
8           title by way of foreclosure, voluntary surrender, or  
9           otherwise, to recover moneys loaned or to recover  
10          debts otherwise owed the department under chapter 167;
- 11          (10) Lands that are set aside by the governor to the Aloha  
12          Tower development corporation, lands leased to the  
13          Aloha Tower development corporation by any department  
14          or agency of the State, or lands to which the Aloha  
15          Tower development corporation holds title in its  
16          corporate capacity;
- 17          (11) Lands that are set aside by the governor to the  
18          agribusiness development corporation, lands leased to  
19          the agribusiness development corporation by any  
20          department or agency of the State, or lands to which



1           the agribusiness development corporation in its  
2           corporate capacity holds title;  
3       (12) Lands to which the Hawaii technology development  
4           corporation in its corporate capacity holds title;  
5       (13) Lands to which the department of education holds  
6           title;  
7       (14) Lands to which the stadium authority holds title;  
8           ~~and~~  
9       (15) Lands to which the school facilities authority holds  
10           title; and  
11       (16) Lands to which the department of transportation holds  
12           title.  
13 provided that, except as otherwise limited under federal law and  
14 except for state land used as an airport as defined in section  
15 262-1, public lands shall include the air rights over any  
16 portion of state land upon which a county mass transit project  
17 is developed after July 11, 2005; provided further that if the  
18 lands pursuant to paragraph (6) are no longer needed for housing  
19 finance and development purposes, the lands shall be returned to  
20 the agency from which they were obtained; provided further that  
21 if the lands pursuant to paragraph (14) are no longer needed for



1 the stadium development district or related purposes, the lands  
2 shall be returned to the public land trust administered by the  
3 department."

4 SECTION 3. Section 171-30, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "§171-30 Acquisition of real property; general. (a) The  
7 board of land and natural resources shall have the exclusive  
8 responsibility, except as provided herein, of acquiring,  
9 including by way of dedications:

10 (1) All real property or any interest therein and the  
11 improvements thereon, if any, required by the State  
12 for public purposes, including real property together  
13 with improvements, if any, in excess of that needed  
14 for [~~such~~] the public use in cases where small  
15 remnants would otherwise be left or where other  
16 justifiable cause necessitates the acquisition to  
17 protect and preserve the contemplated improvements, or  
18 public policy demands the acquisition in connection  
19 with [~~such~~] the improvements[~~-~~]; and

20 (2) Encumbrances, in the form of leases, licenses, or  
21 otherwise on public lands, needed by any state



1 department or agency for public purposes or for the  
2 disposition for houselots or for economic development.

3 The board shall upon the request of and with the funds from  
4 the state department or agency effectuate all acquisitions as  
5 provided under this section.

6 The acceptance by the territorial legislature or the  
7 legislature of a dedication of land in the Kakaako community  
8 development district by a private owner is sufficient to convey  
9 title to the State.

10 (b) Except as provided in subsection (c), the department  
11 of accounting and general services shall be responsible for the  
12 acquisition of any office space in a nonstate owned building for  
13 use by a state department or agency.

14 (c) A state department or agency may directly acquire  
15 [~~such~~] any real property for its purposes whenever the  
16 acquisition by the department or agency is required to conform  
17 to mandatory requirements of the United States in the case where  
18 federal funds are furnished to the department or agency.

19 (d) Property which may be acquired under this section  
20 includes all real property together with all structures and  
21 improvements thereon, franchises or appurtenances thereunto



1 belonging, water, water rights, easements, and interests in land  
2 of every nature.

3 (e) The appraisal of private property to be acquired by  
4 the State may be performed by not more than three disinterested  
5 appraisers whose services shall be contracted for by the State,  
6 and no land shall be purchased for a sum greater than the  
7 highest value fixed by the appraiser or appraisals; provided  
8 that the State, after review of the appraisals by the appraiser  
9 or appraisers or the attorney general, may purchase the property  
10 at a value greater than the highest value if the higher value is  
11 determined by the appraiser or appraisers or the attorney  
12 general to be justified and within the range of market value;  
13 provided further that this limitation shall not apply where  
14 acquisition is by condemnation. After the private property has  
15 been acquired or the State abandons the acquisition, these  
16 appraisal reports shall be available for inspection and copying  
17 by the public.

18 (f) Notwithstanding subsection (a), the department of  
19 transportation may directly acquire any real property for the  
20 department of transportation's purposes."



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1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

DK



# S.B. NO. 3212

**Report Title:**

DOT; Public Lands; Real Property; Acquisition; Disposition

**Description:**

Authorizes the Department of Transportation to acquire any real, personal, or mixed property for immediate or future use; own, hold, improve, rehabilitate, sell, assign, exchange, transfer, convey, lease, or dispose of any real, personal, or mixed property acquired; and acquire by condemnation real property for immediate or future use. Amends the definition of "public lands" to exclude lands to which the Department of Transportation holds title. Authorizes the Department of Transportation to directly acquire any real property for its purposes.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

